

# EXHIBIT 12

Volume I

Pages: 1 - 242

Exhibits: 1 - 27

UNITED STATES DISTRICT COURT

DISTRICT OF MASSACHUSETTS

No. 04-CV-11948-RGS

SEYED MOHSEN HOSSEINI-SEDEHY,

Plaintiff

vs.

ERIN T. WITHINGTON and the CITY

OF BOSTON,

Defendants

DEPOSITION OF ERIN T. WITHINGTON

Thursday, March 31, 2005

10:00 a.m. - 4:32 p.m.

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Reporter: Cynthia C. Henderson/RPR

18 (Pages 66 to 69)

Erin T. Withington - March 31, 2005

<p>66</p> <p>1 just want to talk about your experience as a police 2 officer or detective over the last approximately 3 twelve years. About how many investigations for any 4 criminal violation have you been involved in in the 5 course of twelve years? 6 A. Both in uniform and as a detective? 7 Q. Yes. Either as a patrol officer or a 8 detective, either police officer, patrol officer or 9 a detective. 10 A. I guess maybe fifteen hundred to two 11 thousand. 12 Q. And maybe I should have asked a little 13 different question, but I will clarify it now. The 14 fifteen hundred, two thousand, were those as a lead 15 investigator? 16 A. No. 17 Q. Okay. Out of those fifteen hundred to two 18 thousand criminal investigations over the past 19 twelve years, how many of those did you act as the 20 lead investigator? 21 A. About five hundred. 22 Q. And since you have become a police officer, 23 how many times approximately have you testified in 24 court?</p>	<p>68</p> <p>1 for criminal violations, is it your experience that 2 sometimes complaining witnesses have criminal 3 records? 4 A. Yes. 5 Q. Okay. And in approximately how many of the 6 criminal investigations that you have been involved 7 in -- I understand this is going to be an 8 approximation -- but in approximately how many of 9 those criminal investigations has the complaining 10 witness or the victim had a criminal background, if 11 you will? 12 A. I would say -- well, I do have to clarify. 13 Right now I work in the Child Abuse Unit, so I have 14 to exclude them, but prior to working in the Child 15 Abuse Unit I would say probably half. 16 Q. Is there a distinguishing factor between 17 being a police officer and a detective or is it a 18 patrol officer and a detective? 19 A. No. Police officer is fine. The only 20 distinguishing thing is one wears a uniform, one 21 wears plainclothes. 22 Q. But a patrol officer is not a detective? 23 A. No. 24 Q. But a patrol officer and a detective are</p>
<p>67</p> <p>1 A. About fifty. 2 Q. And out of those fifty, how many times did 3 you -- 4 A. I am thinking. It might be a little low. 5 Maybe a hundred. 6 Q. About a hundred? 7 A. Yes. 8 Q. And out of those approximately a hundred 9 times you have testified, how many have been in the 10 Superior Court? 11 A. Maybe about twenty-five, thirty. 12 Q. And have the balance been in the District 13 Court? 14 A. Yes. 15 Q. About how many arrests have you been 16 involved in over the past twelve years? 17 A. As the arresting officer or involved in? 18 Q. Either arresting or assisting. 19 A. Maybe three, four, five hundred. 20 Q. Out of those three, four, five hundred, 21 about how many have you been the arresting officer? 22 A. I would say half. 23 Q. And during your experience in conducting 24 the criminal investigations and making the arrests</p>	<p>69</p> <p>1 both police officers? 2 A. Yes. 3 Q. In the twelve years that you have been a 4 police officer and the approximately fifteen hundred 5 to two thousand criminal investigations you have 6 been involved in, have you come across an 7 investigation where the complaining witness -- or 8 you have determined that the complaining witness had 9 been lying to you? 10 A. Yes. 11 Q. And approximately how many of those cases 12 where the complaining witness had been lying to you? 13 A. Probably half. 14 Q. And you had mentioned earlier about the 15 Board of Probation and the report that you received. 16 Correct? 17 A. Yes. 18 Q. And as an investigator, whether it was as a 19 patrol officer or as a detective, have you ever had 20 an occasion to use a Board of Probation report as an 21 investigatory tool? 22 A. Yes. 23 Q. And what would be the significance of using 24 a Board of Probation report in terms of an</p>